

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 12-280 (MJD/JJK)

DEMETRIUS DEMARCO SPENCER,

Defendant.

Richard A. Newberry, Jr., Esq., Assistant United States Attorney, Counsel for Plaintiff.

Douglas Olson, Esq., Assistant Federal Defender, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 14, 2012. [Docket No. 33] Defendant Demetrius Demarco Spencer filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Keyes dated December 14, 2012.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Keyes dated December 14, 2012 [Docket No. 33].
2. Defendant Demetrius Demarco Spencer's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 21], and Motion to Suppress Eyewitness Identifications [Docket No. 22], and Motion to Suppress Statements, Admissions, and Answers [Docket No. 23] are **DENIED**.

Dated: January 7, 2013

s/Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court